IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 954 (MS) OF 2006

Ashok Bohra,
S/o late Shri Bharat Singh Bohra,
R/o Village Ranjhawala (Raipur), Pargana Parwadoon,
District-Dehradun. .....Petitioner.

Versus

1. Additional District Judge/6th Fast Track Court, Dehradun.
2. Smt. Nirupa Thapa,
   W/o late Shri M.S. Thapa,
   R/o 140, Raipur Road, Dehradun,
   Dehradun. .....Respondents.

Dated: 25.07.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Rajendra Dobhal, Advocate for the petitioner and Standing Counsel for the respondent no.1. Both the parties have agreed that let the matter be decided at the admission stage.

By the present writ petition, the petitioner has prayed for a writ of Certiorari quashing the order dated 10.07.2006 (Annexure No. 5 to the writ petition) passed by the Additional District Judge/6th Fast Track Court, Dehradun-respondent no. 2 in Misc. Civil Appeal No. 14 of 2006 Smt. Nirupa Thapa Vs. Ashok Bohra and another.

Briefly stated, a suit was filed by the plaintiff/ respondent no. 2 praying for the permanent injunction restraining the petitioner, who arrayed as a defendant in the suit from interfering with the possession of the plaintiff. Along with the

suit an application for permanent injunction was also filed. The trial Court has refused to grant the injunction. However, the appellate Court has allowed the application 6-C and granted the injunction in favour of the plaintiff.

The short grievance of the petitioner is that the suit filed by the plaintiff may not be delayed inasmuch as the injunction order is operating against the petitioner.

In view of the aforesaid facts and circumstances, the suit No. 525 of 2005 Smt. Nirupa Thapa Vs. Ashok Bohra is expedited and if possible the same shall be disposed of within a period of six months from the date of presentation of the certified copy of this order. In the meantime, during the pendency of the suit, the parties are directed to maintain status quo.

Writ petition is disposed of. No order as to costs.

Copy of the order to be given today.

(Rajesh Tandon, J.)

25.07.2006
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